

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

- F045191      In re Michael H., a Minor**  
The parties, having affirmatively waived, or not having responded to the court's letter of December 3, 2004, oral argument is ordered off calendar.
- F046584      Rocha v. Central Valley RV Outlet, Inc.**  
**F046586      Rocha v. Central Valley RV Outlet, Inc.**  
Respondent's motion to consolidate the above-entitled cases is granted.
- F046136      People v. Tripp**  
In light of appellant's "Motion to Withdraw Appeal" filed in this court on January 24, 2005, the above entitled action is deemed abandoned and is thus ordered dismissed.
- F045138      People v. Sherman**  
Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.
- F045138      People v. Sherman**  
The judgment is affirmed.  
By the Court.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F045494      In re Alex R., a Minor**  
Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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**F045494      In re Alex R., a Minor**

The court's finding that appellant's violations of sections 653k and 242 were gang related within the meaning of section 186.30(b)(3), and the court's order that appellant register pursuant to that statute are reversed. Judgment is affirmed in all other respects. The case is remanded to the juvenile court for a new dispositional hearing.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F044669      People v. Beck**

The judgment of conviction on count 1, attempted murder, is reversed. In all other respects, the judgment of conviction is affirmed. The judgment of sentence is reversed. If, within 30 days after remittitur issues from this court, the People have not filed and served an election to retry count 1, the trial court shall resentence defendant in accordance with the views expressed in section D of the foregoing Discussion. If the People file an election to retry count 1, the trial court shall resentence defendant on all counts after the retrial of count 1. Vartabedian, J.

We concur: Dibiaso, Acting P.J.; Dawson, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F043869      People v. Hamilton**

The judgment is affirmed. Gomes, J.

We concur: Harris, Acting P.J.; Wiseman, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F047201      Cerda v. Northern California Carpenters Regional Council**

Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

**F043760      Tavares et al. v. Varain et al.**

The judgment is affirmed. Respondents are awarded their appellate costs. Dibiaso, Acting P.J.

We concur: Buckley, J.; Wiseman, J.

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- F044488      People v. Gourley**  
The judgment is affirmed. Dibiaso, Acting P.J.  
We concur: Buckley, J.; Wiseman, J.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F045517      People v. Newton**  
The judgment is affirmed.  
By the Court.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F044755      People v. Powell**  
Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.
- F044755      People v. Powell**  
The judgment is affirmed.  
By the Court.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F043886      People v. Anderson**  
Appellant's petition for rehearing filed herein is denied.

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**F046631      Quintina G. v. The Superior Court of Tulare County; Tulare County Health and Human Services Agency**

The petition for extraordinary writ is denied. This opinion is final forthwith as to this court.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F045620      Gardner v. Strongman, Jr.**

The order granting a mutual injunction is reversed and the matter is remanded for an evidentiary hearing on Gardner's petition. Strongman shall recover his costs on appeal. Cornell, J.

We concur: Vartabedian, Acting P.J.; Gomes, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]